

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN BOTÀ,)
Plaintiff,)
)
vs) Civil Action No. 17-1529
)
UNITED RENTALS (NORTH AMERICA))
INC. and SNORKEL INTERNATIONAL,)
LLC,)
Defendants.)

MEMORANDUM ORDER

On November 21, 2017, Defendant Snorkel International, LLC (Snorkel), with the consent of the other defendant, United Rentals (North America), Inc., removed the above action which had been filed against them in the Court of Common Pleas of Allegheny County, Pennsylvania, predicated subject matter jurisdiction on diversity of citizenship. However, after alleging that Plaintiff is a citizen of Pennsylvania and that United Rentals is a Delaware corporation with its principal place of business in Connecticut, the Notice of Removal states that Snorkel is “a limited liability company organized under the laws of the State of Nevada, with its principal place of business in Nevada.” (Notice of Removal ¶ 9.)

This is improper. “[T]he citizenship of an LLC is determined by the citizenship of its members.” Zambelli Fireworks Mfg. Co., Inc. v. Wood, 592 F.3d 412, 419-20 (3d Cir. 2010). In addition, where one of the members of the LLC named in the complaint is also an LLC, the citizenship of that LLC’s members must also be traced to determine the citizenship of the LLC named in the complaint. Id. at 420 (citation omitted). The Notice of Removal fails to allege the citizenship of the members of Snorkel, an LLC. Therefore, Defendants have failed to establish this Court’s subject matter jurisdiction over this action.

AND NOW, this 22nd day of November, 2017,

IT IS HEREBY ORDERED that Snorkel shall file an amended Notice of Removal that sets forth sufficient factual allegations to establish diversity of citizenship among the parties by December 13, 2017. Failure to comply with this Order may result in dismissal of the action without further notice.

In accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(A), and Rule 72.C.2 of the Local Rules of Court, the parties are allowed fourteen (14) days from the date of issuance of this Order to file an appeal to the District Judge, which includes the basis for objection to this Order. Any party opposing the appeal shall have fourteen (14) days from the date of service of the notice of appeal to respond thereto. Failure to file a timely notice of appeal may constitute a waiver of any appellate rights.

s/Robert C. Mitchell
ROBERT C. MITCHELL
United States Magistrate Judge